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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,626	06/08/2001	Todd Steitle	008596.000021	1797
24573	7590	06/29/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC PO BOX 1135 CHICAGO, IL 60690-1135			PATEL, NIKETA I	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,626

Applicant(s)

STEITL ET AL.

Examiner

Niketa I. Patel

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 12-27 and 29-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DOV POPOVICI

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on 04/18/2005 is acknowledged.
2. Applicant's election with traverse within Group I of Species I (claims 2-11, 28, 31-42) in the reply filed on 04/18/2005 is acknowledged. The traversal is on the ground(s) that Species II and IV-VI should be grouped together with Species I, as the combination/subcombination disclosed in the claims can be examined without imposing a serious burden on the USPTO. Irregardless that Species I, II and IV-VI are possibly restricted as combination/subcombination and/or subcombinations usable together (as stated in applicant's argument at page 2) and that they can be restricted in accordance with MPEP 806.05 (c) and/or MPEP 806.04(b) this does not invalidate the restriction requirement under Species as set forth in the previous Office Action. Furthermore, claim 31 recites configuring the network system comprising security configuration (see line 4 of claim 31) i.e., Species V. Therefore claims 31-42 are withdrawn from further consideration.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 1-11 and 28 are examined below.

Claim Objections

4. Claims 3-7 are objected to because of the following informalities: claim 3, at line 1, is missing a transitional phrase (such as "**further comprising**") after the phrase "**The network system design system of claim 1**". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-11 are 28 are rejected under 35 U.S.C. 102(e) as being anticipated by
Hankinson et al. U.S. Patent No.: 6,799,202, B1 (hereinafter referred to as “*Hankinson*”).

7. **Referring to claim 1**, *Hankinson* teaches a network system design system comprising:

(a) a combined computing device [see figure 2] comprising: (i) a first computing device [see figure 2, element 225 and column 5, lines 50-65 and column 6, lines 13-20]; (ii) a second computing device, wherein the second computing device is communicably coupled to the first computing device [see figure 2, element 235 and column 5, lines 50-65 and column 6, lines 13-20]; and (b) an executing program, (i) wherein the executing program is running on the combined computing device [see column 5, lines 50-65 and column 16, lines 12-28, 51-64]; and (ii) wherein the executing program is adapted to configure a network system [see column 5, lines 50-65 and column 16, lines 12-28, 51-64.]

8. **Referring to claim 2**, *Hankinson* teaches wherein the executing program is running on the second computing device [see figure 2, element 235, ‘configurator’ and column 16, lines 12-28, 51-64.]

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9. **Referring to claim 3**, *Hankinson* teaches (a) wherein the second computing device is communicably coupled to the first computing device is communicably coupled to the first computing device via an Internet connection [see column 2, lines 39-46, WAN]; and (b) a web server, wherein the executing program comprises the web server [see column 2, lines 25-27, 'web server'.]
10. **Referring to claim 4**, *Hankinson* teaches wherein the web server is scalable [see column 13, lines 52-54.]
11. **Referring to claim 5**, *Hankinson* teaches wherein the web server comprises a single system [see column 16, lines 15-18.]
12. **Referring to claim 6**, *Hankinson* teaches wherein the web server comprises multiple systems, wherein the multiple systems are related by clustering [see column 16, lines 15-18.]
13. **Referring to claim 7**, *Hankinson* teaches wherein the loads of the multiple systems are balanced via geographic load balancing [see column 17, lines 63-65.]
14. **Referring to claim 8**, *Hankinson* teaches wherein the web server is scalable [see column 13, lines 52-54.]
15. **Referring to claim 9**, *Hankinson* teaches wherein the web server comprises a single system [see column 16, lines 15-18.]
16. **Referring to claim 10**, *Hankinson* teaches wherein the web server comprises multiple systems, wherein the multiple systems are related by clustering [see column 2, lines 25-29, 'member classes'.]
17. **Referring to claim 11**, *Hankinson* teaches wherein the loads of the multiple systems are balanced via geographical load balancing [see column 17, lines 63-65.]

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18. Referring to claim 28, *Hankinson* teaches wherein configuration of the network system comprises software configuration, the software being adapted to operate the network system [see column 5, lines 50-65 and column 16, lines 12-28, 51-64.]

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made ^{of} record ~~to~~ to further show the state of the art as it pertains to configuring a web server:

Kothandaraman et al U.S. Pat. App. Pub. No.: 2005/0080801 A1

Day et al. U.S. Pat. App. Pub. No.: 2005/0097445 A1

McCanne et al. U.S. Pat. App. Pub. No.: 2003/0105865 A1

Jager U.S. Patent No.: 6,892,231 B2

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

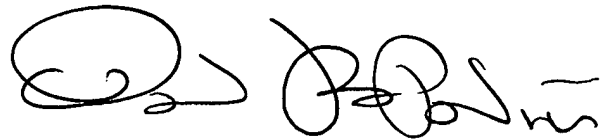
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272 4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

D.B.
6/22/05

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
06/22/2005

A handwritten signature in black ink, appearing to read 'DOV POPOVICI', is written over a faint, circular stamp.

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100